



April 19, 2024

VIA ECF

Kaan Ekiner

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Special Master (to be appointed)

Re: *Ameritas Life Ins. Co. v. Wilmington Savings Fund Society FSB, 1:23-cv-00236-GBW*

Dear Special Master:

In accordance with Paragraph 3(g) of the Joint Scheduling Order [ECF 17], Plaintiff Ameritas Life Insurance Corp. (“Ameritas”), and non-party Brian Sullivan, Esquire, jointly write to request the scheduling of a discovery teleconference in the above-referenced matter.

Because a Special Master has not yet been appointed, and because this discovery dispute is time-sensitive (the scheduled deposition date is April 23, 2024), we are submitting this letter to the Court out of an abundance of caution.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in verbal meet-and-confers by telephone on the following date(s): April 8, 2024:

- Delaware Counsel

Plaintiff Ameritas Life Insurance Corp.

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Wilmington, DE 19801

Defendant Wilmington Savings Fund Society
Megan O'Connor
K and L Gates
600 N. King Street, Suite 901
Wilmington, Delaware 19801

Non-Party Brian Sullivan, Esquire

Charles J. Brown, III
GELLERT SCALI BUSENKELL & Brown LLC
1201 N. Orange Street, 3rd Floor

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Wilmington, DE 19801

- Lead Counsel

Plaintiff Ameritas Life Insurance Corp.

Brian D. Burack (*pro hac vice*)
Cozen O'Connor P.C.
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Philadelphia, PA 19103

Defendant Wilmington Savings Fund Society

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Orrick, Herrington & Sutcliffe, LLP
Irvine, CA 92614

Non-Party Brian Sullivan, Esquire

Charles J. Brown, III
GELLERT SCALI BUSENKELL & Brown LLC
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600 N. King Street, Suite 901
Wilmington, DE 19801

The dispute requiring judicial attention is listed below:

- Brian A. Sullivan, Esq. served as the trustee of the Marvin Flaks Life Insurance Trust, which is the entity to which the policy at issue in this litigation was issued. Both Ameritas and WSFS have served deposition subpoenas on Mr. Sullivan who has accepted service through his attorney subject to his objections. The deposition was originally noticed to occur on April 9, 2024 and has since been rescheduled for April 23, 2024, at the request of Mr. Sullivan. Mr. Sullivan now seeks a protective order from attending that deposition unless and until either Ameritas or the Policy's beneficial owner, BroadRiver, agrees to indemnify him. Ameritas denies any obligation to indemnify Mr. Sullivan. Nor does Ameritas believe that a request for indemnification is an appropriate basis to avoid this deposition.¹

¹ WSFS participated in the verbal meet and confer where it denied any obligation to indemnify Mr. Sullivan; but WSFS elected not to join the instant discovery dispute.

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Respectfully submitted,

/s/ Kaan Ekiner

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/s/ Charles J. Brown, III

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*Attorneys for Plaintiff
Ameritas Life Insurance Corp.*

**GELLERT SCALI BUSENKELL &
BROWN LLC**

*Attorneys for Non-Party Brian Sullivan,
Esquire.*

cc: All Counsel of Record (*via ECF*)